

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SKY MILLER,

Plaintiff,

v.

RON VAN BOENING, et al.,

Defendants

No. 10-5712RBL/JRC

ORDER ADOPTING REPORT AND
RECOMMENDATION

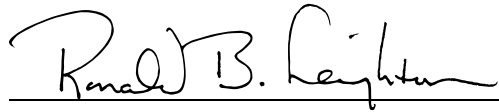
The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendant's Motion to Dismiss is GRANTED IN PART AND DENIED IN PART consistent with the Report and Recommendation. All Fourteenth Amendment claims are dismissed. The motion to dismiss other claims and to grant qualified immunity are denied. Discovery is not stayed.
- (3) Plaintiff has thirty days to file an amended complaint that provides facts as to each defendant. Plaintiff also has thirty days to either perfect service on

1 defendant Bertram or show cause why he has not perfected service on this
2 defendant.

- 3 (4) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J.
4 Richard Creatura.

5 DATED this 14th day of March, 2011.

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8 RONALD B. LEIGHTON
9 UNITED STATES DISTRICT JUDGE
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